

NOT YET SCHEDULED FOR ORAL ARGUMENT

No. 25-7040

IN THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT

GREGORY B. MYERS AND BARBARA ANN
KELLY, PLAINTIFFS/APPELLANTS,

v.

BARBARA ANN KELLY,
Appellee,

v.

NAPLES GOLF AND BEACH CLUB, INC., et
al., DEFENDANTS/APPELLEES.

ON APPEAL FROM A NON-FINAL ORDER
OF THE
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
COLUMBIA 1:24-cv-03127-ACR

**APPELLEE'S CERTIFICATE AS TO THE PARTIES, RULINGS, AND
RELATED CASES**

Appellee NAPLES GOLF AND BEACH CLUB, INC. ("NGBC")

furnishes the following information about this case pursuant to D.C. Cir. R.
28(a)(1):

A. *Parties and amici.* – Plaintiff-appellant is *pro se* Gregory B.

Myers (“Myers”). His wife, Plaintiff Barbara Ann Kelly, neither joined in the underlying removal, nor the instant appeal. Defendants/Appellees are Naples Golf and Beach Club, Inc., Naples Property Holding Company, LLC; Naples Beach Club Land Trust Trustee, LLC; Naples Beach Club Phase II and III Land Trust Trustee, LLC; and NBC Club Owner, LLC. No intervenors or amici have appeared thus far, in this Court.

B. *Rulings under review.* – Plaintiff/Appellant appeals the District Court’s Order entered April 1, 2025 stating “MINUTE ORDER GRANTING IN PART 11 Motion to Dismiss Case as Frivolous or in the alternative Motion to Remand to State Court and 13 Motion to Dismiss or in the alternative Motion to Remand to State Court. As discussed at the March 10, 2025 hearing, the Court REMANDS this case to the Circuit Court for Collier County, Florida. The Court finds as MOOT Defendants’ Motions to Dismiss. Case to be remanded on 4/8/25.”

C. *Related cases.* – The District Court case is the *third* attempted removal of the Collier County, Florida state court litigation styled as *Myers v. Naples Golf and Beach Club, Inc., Naples Property Holding Company, LLC, Naples Beach Club Land Trust Trustee, LLC*, No. 21-CA-001441-0001 (Fla. 20th Cir. Ct. 2021). The two prior removals to the Middle District are styled as:

1. *Myers v. City of Naples and Naples Beach Club Land Trust Trustee, LLC.*, No. 2:23-cv-13 (M.D. Fla. Jan. 9, 2023) (Removal filed while state court case on appeal and shortly after Myers and Kelly failed to file their initial briefs on time; remanded May 10, 2023).
2. *Myers v. City of Naples and Naples Beach Club Land Trust Trustee, LLC.*, No. 2:24-cv-846 (M.D. Fla. Oct. 24, 2024) (Removal filed shortly before attempted first hearing on motion to enforce court order and sanction Myers, remanded with ban on further removals to the Middle District).

Those improper removals generated the following improper Eleventh Circuit Appeals:

1. *Myers v. Naples Golf and Beach Club, Inc. et. al.*, No. 23-11906 (11th Cir. 2023) (Eleventh Circuit upheld remand of Case No. 2:23-cv-13 and dismissed Myers appeal of same).
2. *Myers v. Naples Golf and Beach Club, Inc. et. al.*, No. 24-11964 (11th Cir. 2023) (consolidated with 11th Cir. No. 23-11906 where Eleventh Circuit upheld remand of Case No. 2:23-cv-13 and dismissed Myers appeal of same).
3. *Myers v. Naples Golf and Beach Club, Inc. et. al.*, No. 24-13099 (11th Cir. 2024) (Eleventh Circuit dismissed for lack of prosecution).
4. *Myers v. Naples Golf and Beach Club, Inc. et. al.*, No. 24-13551 (11th Cir. 2024) (Pending appeal of remand in No. 2:24-cv-846, NBC Entities have filed dismissal motions and Myers failed to file his initial brief due on December 9, 2024). Myers filed Notice of Dismissal on 1-29-25 (*No Doc. 16*), the court entered the following entry: *Notice of deficient Notice of Dismissal filed by Gregory Brian Myers. Incorrect Relief selected. The dismissal must be filed as a motion.*

Appeals to US District Court of Appeals for the District of Columbia Circuit, from U.S. District Court for the District of Columbia, Case No. 1:24-cv-3127:

1. *Myers v. Naples Golf and Beach Club, Inc., et al.*, No. 24-7180 (U.S. Court of Appeals for the District of Columbia), Doc. 2098926, order dismissing appeal and entering sanctions against Myers for bad faith filing.
2. *Myers v. Naples Golf and Beach Club, Inc., et al.*, No. 25-7018 (U.S. Court of Appeals for the District of Columbia), Appellant appealed LEAVE TO FILE DENIED. March 7, 2025, Doc. 2104826, Appellant filed Suggestion of Bankruptcy. March 28, 2025, Doc. 2108395, Appellee, Naples Beach Club Trustee, et al., motion to dismiss case as frivolous.
3. *Myers v. Naples Golf and Beach Club, Inc., et al.*, No. 25-7032 (U.S. Court of Appeals for the District of Columbia), April 10, 2025, Doc. 2110818, Appellant's Notice of Dismissal. On April 29, 2025, the court entered Order that case be dismissed and Mandate, Doc. 2113488 and 2113492, respectively.
4. *Myers v. Naples Golf and Beach Club, Inc., et al.*, No. 25-7037 (U.S. Court of Appeals for the District of Columbia), March 27, 2025, Doc. 2108134, Court's Order on its own motion that Appellant show cause on or before April 28, 2025, why this appeal from an interlocutory order of the district court should not be dismissed for lack of jurisdiction. On April 29, 2024, Doc. 2113640, Appellant filed his Notice of Dismissal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of May 2025, the undersigned counsel electronically filed the foregoing through the CM/ECF and served via electronic mail to:

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